

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

KENNETH HERSON,

Plaintiff,

-against-

ARMY REVIEW BOARDS AGENCY SUPPORT  
DIVISION, ST. LOUIS,

Defendant.

VITALIANO, D.J.

MEMORANDUM AND ORDER

08-CV-1466 (ENV) (LB)

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ SEP 08 2008  
P.M. *[Handwritten signature]*  
TIME A.M. *[Handwritten signature]*

*Pro se* plaintiff Kenneth Hersom brought this action against the Army Review Boards Agency Support Division, St. Louis, seeking a medical discharge and disability benefits. On April 23, 2008, the Court, *sua sponte*, dismissed the action on the ground that the Court lacked subject matter jurisdiction, that is, it did not have the power or authority to hear plaintiff's claims. On or around May 6, 2008, Hersom filed a letter, requesting that the Court review mental reports from the Army and the VA. The Court treated that letter as a motion for reconsideration, and, by Memorandum and Order dated May 16, 2008, the Court denied the motion, on the grounds that Hersom did not point to any controlling decisions or facts that the Court had overlooked.

The Court is now in receipt of a second letter from Hersom, filed August 13, 2008, purportedly submitting new evidence. The Court treats this letter as a second motion for reconsideration. The motion is denied.

SO ORDERED.

Dated: Brooklyn, New York  
September 2, 2008

*[Handwritten signatures]*  
ERIC N. VITALIANO  
United States District Judge